

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following commentary.

I. Status of the Claims

Claims 1, 2, 4, 11 and 13 are cancelled without prejudice or disclaimer thereof. Claims 3, 8, 10, and 12 have been amended with support in the original claims. Because no new matter is introduced, Applicants respectfully request entry of this amendment. Upon entry, claims 3, 5-10, 12 and 14 are pending, with claims 5-7 and 14 withdrawn from examination.

II. Information Disclosure Statement

The Examiner crossed out JP-10500705 A from the IDS filed on September 16, 2005, because the English translation of the Japanese patent application publication was not found. Applicants submit the corresponding PCT Publication No. WO 96/27387 in the accompanying IDS, requesting that the Examiner consider and initial the reference listed in the PTO/SB/08 form.

III. Objection of Claims

The Examiner objected to claims 11 and 12 for improper multiple dependency. Claim 11 is cancelled thereby mooted the objection. Claim 12 has been amended to correct the dependency. Accordingly, the stated basis for the objection has been obviated.

IV. Objection of the Specification

The Examiner objected to the specification for a typographical error at page 11, paragraph 4. The specification has been amended to correct the typographical error. Accordingly, Applicants respectfully request withdrawal of the objection.

V. Rejection of Claims under 35 U.S.C. §101

The Examiner rejected claims 1-4 for being directed to non-statutory subject matter. Claims 1, 2 and 4 are cancelled thereby rendering the rejection moot. Applicants respectfully traverse the rejection of claim 3.

Claim 3 has been amended to recite “an isolated polypeptide” in keeping with the Examiner’s suggestions. Therefore, withdrawal of the rejection is respectfully requested.

VI. Rejection of Claims under 35 U.S.C. §112, second paragraph

The Examiner rejected claims 4 and 8-13 for alleged indefiniteness. Claims 4, 11 and 13 are cancelled. Applicants respectfully traverse the rejection of the remaining claims.

In particular, the Examiner rejected the claims for the recitation of “consisting of” in claim 4, as well as for the recitation of “peptide fragment derived from the polypeptide composed of a polypeptide” in claim 11. Claims 4 and 11 are both cancelled thereby obviating the stated basis for the rejection.

VII. Rejection of Claims under 35 U.S.C. §112, first paragraph

The Examiner rejected claims 1-4 and 8-13 for alleged lack of enablement and written description. Claims 1, 2, 4, 11 and 13 are cancelled. Applicants respectfully traverse the rejection of the remaining claims.

The Examiner acknowledges that the specification is “enabling for an isolated polypeptide of SEQ ID NO: 1, an isolated polypeptide consisting of amino acids 446[sic, 449]-687 of SEQ ID NO: 1 and a composition thereof” (Office Action, the paragraph bridging pages 3 and 4), and that “Applicant is in possession of an isolated polypeptide of SEQ ID NO: 1, an isolated polypeptide consisting of amino acids 446[sic, 449]-687 of SEQ ID NO: 1 and a composition thereof” (Office Action, page 6, third paragraph).

Without acquiescing to the stated rational of the rejection, Applicants choose to advance the prosecution by limiting the scope of the claims to an isolated polypeptide consisting of residues 449-687 of SEQ ID NO: 1. Therefore, withdrawal of the rejection is warranted.

VIII. Rejection of Claims under 35 U.S.C. §102

A. Rejection of Claims under 35 U.S.C. §102(a)

The Examiner rejected claims 1-4 and 8-13 under 35 U.S.C. §102(a) for alleged anticipation by (i) Soejima *et al.*, *Blood* Epub 7/17/2003, pages 1-36, (ii) Plaimauer *et al.*, *Blood* Vol. 102(II), page 540a, 11/16/2003, and (iii) Zheng *et al.*, *J. Biol. Chem.* 278(32): 30136-41, August 8, 2003, respectively. Claims 1, 2, 4, 11 and 13 are cancelled. Applicants respectfully traverse the rejection of the remaining claims.

The present application is the national stage of PCT/JP2004/003602, filed March 17, 2004, and claims priority to Japanese Application No. 2003-071919, filed March 17, 2003. Applicants submit herewith a certified English translation of the priority document, thereby perfecting the priority claim to JP 2003-071919. Thus, the effective filing date of the present application benefits is earlier than the publication date of each of the references (i), (ii) and (iii). Accordingly, these references are not citable art against the present claims.

B. Rejection of Claims under 35 U.S.C. §102(b)

The Examiner rejected claims 1-4 for alleged anticipation by (i) Zheng *et al.*, *Blood* 100 (11), Abstract No. 974, 2002, (ii) Soejima *et al.*, *J. Biochem.* 130: 475-480, 2001, and (iii) Zheng *et al.*, *J. Biol. Chem.* 276(44): 41059-63, 2001, respectively; and claims 8-13 for alleged anticipation by publications (i) and (ii), respectively. Claims 1, 2, 4, 11 and 13 are cancelled. Applicants respectfully traverse the rejection of the remaining claims.

The claims presently recite an isolated polypeptide *consisting of* amino acids 449-687 of SEQ ID NO: 1 or a composition comprising the polypeptide. Because none of the cited publications

discloses the exact polypeptide of the claimed invention, Applicants respectfully request withdrawal of the anticipation rejection.

CONCLUSION

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees, which may be required under 37 C.F.R. §§ 1.16-1.17, and to credit any overpayment to Deposit Account No. 19-0741. Should no proper payment accompany this response, then the Commissioner is authorized to charge the unpaid amount to the same deposit account. If any extension is needed for timely acceptance of submitted papers, then Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of the relevant fee(s) from the deposit account.

Respectfully submitted,

Date 10 July 2008

By Stephen A. Bent

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5404
Facsimile: (202) 672-5399

Stephen A. Bent
Attorney for Applicant
Registration No. 29,768